

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ROBERT P. DESROCHES,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 05-88-B
)	
JOHN E. POTTER, Postmaster)	
General, United States Postal)	
Service,)	
)	
Defendant/Counterclaimant,)	
)	
v.)	
)	
ROBERT P. DESROCHES,)	
)	
Counterclaim Defendant,)	
)	
and)	
)	
BELLWETHER COMMUNITY CREDIT UNION,)	
)	
Garnishee.)	
_____)	

ORDER TO RELEASE FUNDS AND TO
QUASH WRIT OF CONTINUING GARNISHMENT

On October 8, 2009, a Writ of Continuing Garnishment and Clerk's Notice of Continuing Garnishment were issued in the above-captioned action by James R. Starr, Clerk, United States District Court. In accordance with the terms of the Writ of Continuing Garnishment, on October 15, 2009, the defendant's savings account held by Bellwether Community Credit Union, was levied on by the United States of America. Copies of the Application, Clerk's Notice and Writ of Continuing Garnishment were received by counterclaim defendant, Robert DesRoches, by certified mail, return receipt, on October 20, 2009.

Pursuant to 28 U.S.C. §3202(d), the defendant had twenty days to request a hearing after receiving the Notice and Writ. Defendant having failed to request a hearing within the time allowed, it is

ORDERED that funds in the amount of \$426.44, plus any interest from the date of levy until the current date, seized on October 15, 2009, from an account in the name of Robert DesRoches, which are in the possession, custody or control of Bellwether Community Credit Union, be released to the United States of America. Said funds should be made payable to the U.S. Department of Justice and sent to U.S. Attorney's Office, 53 Pleasant Street, 4th Floor, Concord, NH 03301; and

ORDERED that the Writ of Continuing Garnishment issued on October 8, 2009, to Bellwether Community Credit Union, is hereby quashed.

IT IS SO ORDERED.

/s/ Paul Barbadoro
U.S. District Court Judge

DATED: November 19, 2009

cc: Michael T. McCormack, AUSA
Robert P. DesRoches
Bellwether Community Credit Union